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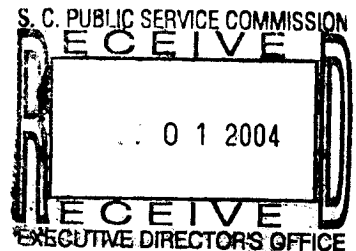
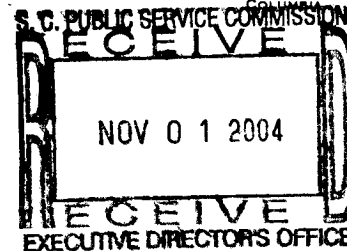
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October 28, 2004

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Via U.S. Mail and Electronic Mail

The Honorable Randy Mitchell, Chairman
Public Service Commission of South Carolina
P.O. Drawer 11649
Columbia, South Carolina 29211

Re: South Carolina Electric and Gas Company
Docket No. 2004-178-E

Dear Chairman Mitchell:

I am writing to supplement the Consumer Advocate's response to the October 25, 2004 letter of counsel for SCE&G Francis P. Mood and to the discussion of this letter at a pre-hearing conference held yesterday afternoon at the Commission's offices. In that letter, SCE&G has raised its concerns regarding the Commission's retention of Mr. Scott Hempling to assist the Commission in the hearings in this case.

In my letter of October 27, 2004, I responded to the Company's argument concerning Canon 5 of the S.C. Appellate Court Code of Conduct for Staff Attorneys and Law Clerks which it believed would require Mr. Hempling to withdraw from his law firm and discontinue representing his clients in order to assist the Commission in this case. After some further research, I have determined that this Canon does not apply to the Commission. Act No. 175 at S.C. Code Ann. § 58-3-30 (B) specifically states that Commissioners and Commission employees are bound by the Code of Judicial Conduct, **as contained in Rule 501** of the South Carolina Appellate Court Rules. However, Canon 5 is not located under Rule 501, but under Rule 506 of the South Carolina Appellate Court Rules.

The Honorable Randy Mitchell, Chairman

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Therefore, this provision does not apply to the Commission's employment of Mr. Hempling in this case.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Elliott F. Elam, Jr.".

Elliott F. Elam, Jr.
Acting Consumer Advocate

cc: The Honorable George Dorn
Jocelyn D. Boyd, Esquire
All Parties of Record